

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WAYMO LLC,

Plaintiff,

v.

UBER TECHNOLOGIES, INC.;
OTTOMOTTO LLC; and OTTO
TRUCKING LLC,

Defendants.

No. C 17-00939 WHA

**ORDER SETTING SCHEDULE
FOR MOTIONS TO CONTINUE
TRIAL DATE OR FOR OTHER
RELIEF BASED ON FEDERAL
CIRCUIT PROCEEDINGS OR
AFTERMATH**

As discussed at the hearing on September 6, any motion to continue the trial date currently set for October 10 or for other relief based on the status of pending Federal Circuit proceedings (or for any other reason) must be filed by **SEPTEMBER 29 AT NOON**, with responses due by **OCTOBER 1 AT NOON** and a hearing (if needed) on **OCTOBER 3 AT 8:00 A.M.** The last day we can call off the venire will be **OCTOBER 6**.

Any party that fails to make such a motion will be deemed to have consented to trial and to have forgone the issues involved in the pending Federal Circuit proceedings, as well as any other relevant issues or concerns that could have been raised before trial. For example, the Court understands that plaintiff Waymo LLC already agreed to limit its trade secrets case to nine asserted claims. Any motion to continue the trial date so that more asserted trade secret claims may be included in the trial will be subject to the foregoing schedule, and failure to so move will constitute consent to trying only those claims currently selected for trial.

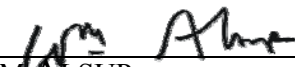
Please do not move to continue the trial date for any specific length (*e.g.*, four weeks). The Court's trial calendar is impacted and finding a new trial date — if a motion to continue is

1 granted — would be problematic. If the October 10 trial date is vacated, then a new trial date
2 will eventually be found.

3 Finally, briefing on any motion to continue the trial date should also discuss the
4 advisability of using a court-appointed trial expert pursuant to Federal Rule of Evidence 706 —
5 if a motion to continue is granted — to address the technical issues involved in the asserted
6 trade secret and patent claims.

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8 **IT IS SO ORDERED.**

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10 Dated: September 8, 2017.

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13 WILLIAM ALSUP
14 UNITED STATES DISTRICT JUDGE
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